

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ZOHAR CDO 2003-1, LIMITED,
a Cayman Islands exempted company,
and
ZOHAR II 2005-1 LIMITED,
a Cayman Islands exempted company,

Plaintiffs,

v.

OCTALUNA, LLC, OCTALUNA II, LLC,
PATRIARCH PARTNERS VIII, LLC, and
PATRIARCH PARTNERS XIV, LLC

Defendants.

Case No. 1:18-cv-00108-JFB-SRF

JOINT STATEMENT

Pursuant to the Court's Order dated January 8, 2018 (D.I. 9) requesting the parties jointly submit a statement that (a) provides a summary of the procedural history leading to removal; (b) explains the basis for this court's jurisdiction; (c) identifies any pending motions requiring action by this court; (d) provides any reason why a scheduling conference should not occur within 30 days of the date of its submission (or a statement indicating that such a conference should occur in this time frame); and (e) notes any other pending matters which require judicial action, the parties jointly submit the following statement:

1. Current Status. The parties agree that this action is situated similarly to *Zohar CDO 2003-1 Ltd. v. Croscill Home LLC*, No. 17-cv-1797 ("*Croscill*"), in which Your Honor recently granted Plaintiffs' Motion to Remand. Defendants have advised Plaintiffs that they intend to file objections to Your Honor's recent ruling in *Croscill*. Accordingly, the parties have today filed a Stipulation And [Proposed] Order Staying Action Pending Adjudication Of

Parallel Action (the “Stipulation”), pursuant to which the parties agree (subject to the Court’s approval) that the pending motions in this action (described below) will be stayed, and that the parties to this action will be bound in all respects by the determinations of the Court in *Croscill* with regard to whether remand, transfer, or stay is appropriate, as set forth in the Stipulation.

2. Summary of the Procedural History Leading to Removal. On January 12, 2018, Plaintiffs filed this action in the Court of Chancery. On January 18, Defendants filed the Notice of Removal (D.I. 1).

3. Explanation of the Basis for this Court’s Jurisdiction. The parties dispute this Court’s jurisdiction, and respectfully refer the Court to Defendants’ Notice of Removal (D.I. 1) and the Plaintiffs’ Motion to Remand and opening briefing in support thereof and opposition thereto (D.I. 6-8, 12-13).

4. Pending Motions Requiring Action by this Court. If the Stipulation is approved, no other Court action is required at this time. The pending motions (which the Stipulation proposes to stay) are (i) Defendants’ Motion to Dismiss, Stay or Transfer Venue (D.I. 4) and (ii) Plaintiffs’ Motion to Remand (D.I. 6).

5. Reasons For or Against a Scheduling Conference Within 30 Days. In view of the Stipulation, the parties do not believe that a scheduling conference is required at this time.

6. Other Pending Matters Requiring Judicial Action. The parties identify no other pending matters requiring judicial action.

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